

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YU ZHANG,

Plaintiff,

v.

HITO RESTAURANT, INC., SONG LI,
YUDI “DOE,” and “JOHN” “DOE,”

Defendants.

18 Civ. 12331 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On December 31, 2018, Plaintiff initiated the instant action. (Dkt. #1). On March 19, 2019, Plaintiff served a copy of the Summons and Complaint on Defendant Hito Restaurant, Inc.’s authorized agent in New York. (Dkt. #6). On July 8, 2019, noting that Defendants had not appeared in the case and that Plaintiff had not initiated default judgement proceedings, the Court ordered Plaintiff to show cause, in writing on or before July 19, 2019, why the case should not be dismissed for failure to prosecute. (Dkt. #7).

On July 19, 2019, Plaintiff wrote to the Court and stated that “Plaintiff intends to move expeditiously for a default judgement against Hito Restaurant, Inc.” (Dkt. #14). On August 13, 2019, having not heard from Plaintiff, the Court again ordered the Plaintiff to show cause, in writing on or before August 21, 2019, why the case should not be dismissed for failure to prosecute. (Dkt. #15). On August 21, 2019, Plaintiff wrote to the Court seeking an extension of time, until August 31, 2019, to file a motion for a default judgment against Defendant Hito Restaurant, Inc. (Dkt. #16). The Court granted Plaintiff’s

request for an extension and ordered Plaintiff to file a motion for default judgment by August 31, 2019. (Dkt. #17). As of this date, Plaintiff has not filed a motion for default judgment or otherwise communicated with the Court.

Accordingly, it is hereby ORDERED that the instant action is dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

SO ORDERED.

Dated: September 6, 2019
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge